

JONATHAN MORTON §
v. § CIVIL ACTION NO. 5:16cv60
CURTIS CHAMBERS, ET AL. §

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a claim. *Id.* at 26. The Magistrate Judge further recommended dismissal of all Defendants except for Chambers. *Id.*

In response, Plaintiff wrote a letter postmarked May 2, 2017 asserting he has little understanding of the law but has been denied counsel. Docket No. 18. He states, “I do wish to proceed forward with the excessive force on defendant Curtis Chambers, as well as request that the District Judge appoint me counsel throughout this civil action. No objections to the Magistrate Judge’s Initial Report / Recommendation at this time other than stated.” *Id.* at 1.

The only objection voiced by Plaintiff was to the denial of counsel by the Magistrate Judge, which was not done in the Amended Report but by separate orders. *See* Docket Nos. 4, 16. The Court has conducted a *de novo* review of the denial of counsel and has determined the Magistrate Judge did not err in concluding Plaintiff failed to show the exceptional circumstances required for appointment of counsel at this time. Because no objections were made to the Magistrate Judge’s proposed findings, conclusions, and recommendations contained in the Report, the Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the record and has determined the Amended Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”) It is accordingly

ORDERED the Amended Report of the Magistrate Judge (docket no. 17) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the Plaintiff's claims against the Defendants Brad Livingston, Dal Wainwright, Telly McCombs, Leopoldo Vasquez, Tom Fordyce, Eric Gambell, Larry Gist, Larry Miles, Darrelynn Perryman, Thomas Wingate, John Wilson, Lonnie Townsend, H. McLilly, Dennis Martin, B. Parker, Dawn Merchant, Connie Tisdale, and S. DeRamcy are **DISMISSED** without prejudice for failure to state a claim upon which relief may be granted. These individuals are **DISMISSED** as parties to the lawsuit. It is further

ORDERED the Plaintiff's claim against Officer Chambers for allegedly writing him a false disciplinary case is **DISMISSED** without prejudice for failure to state a claim. The dismissal of these claims and parties shall have no effect upon the Plaintiff's claim against Officer Chambers for allegedly using excessive force on him on February 2, 2015, which is the only claim remaining in the lawsuit.

SIGNED this 5th day of July, 2017.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE